



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 3810-00

6 November 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 14 May 1984 for three years as a PFC (E-2). At the time of your enlistment, you had completed four years of active service in the Army.

The record reflects that you served 10 months without incident. However, during the two month period from February to April 1985 you received three nonjudicial punishments (NJP) for two instances of absence from your appointed place of duty, a four hour period of unauthorized absence, insubordination, disrespect, and two instances of disobedience. Following your second NJP, you were counseled regarding your substandard performance and conduct and intemperate use of alcohol. You were warned that failure to take corrective action could result in processing for administrative separation.

On 9 April 1985 you were notified that you were being processed for discharge by reason of misconduct due to minor disciplinary

infractions. You were advised of your procedural rights and told that a general discharge was being recommended. You declined to consult with legal counsel and waived your rights. Thereafter the commanding officer recommended a general discharge by reason of misconduct. On 13 May 1985, the Commandant of the Marine Corps directed a general discharge due to minor disciplinary infractions. You were so discharged on 16 May 1985.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your low test scores, prior honorable Army service, and the fact that it has been more than 15 years since you were discharged. The Board concluded that the these factors and contention were insufficient to warrant recharacterization of your discharge given your record of three NJPs in only 12 months of service. The Board concluded that your minor misconduct prior to completing your enlistment did not constitute fully honorable service. Your contention that your general discharge has had an adverse impact on your employment opportunities does not provide a valid basis for recharacterizing the discharge. The Board thus concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director